

31ST CIRCUIT JUDICIAL COMMISSION
Instructions to Applicants
for the Judge Mark E. Fitzsimmons Vacancy
for Associate Circuit Judge

1. Download and submit the application from Your Missouri Courts website (www.courts.mo.gov) listed in the “Quick Links” box under “Judicial Vacancies.” **Please be certain you use only the application named “Judge Mark E. Fitzsimmons Vacancy.”** You may enter your answers directly onto the downloaded form, creating sufficient space for your answers.
 - a. The **writing sample(s)** referenced in question No. 25 of the application should show how you consider and address a legal issue and may include appellate briefs, law review or journal articles, written judicial decisions, or other documents that reflect your ability to think and write. Please do not provide a document that includes substantial work of others.
 - b. In selecting **five references** who are thoroughly familiar with your personal and professional qualifications, please recall that these references may not include any judge of the Supreme Court of Missouri; a judge of the Missouri Court of Appeals, Southern District; or of the court to which you are applying. As to each of the five references, **please provide name, title, mailing address, telephone and e-mail address.** *Please note that* it is your responsibility to contact these references, although if you intend to use as a reference a federal judge or other individual who only can provide a reference upon a specific request by the interviewing authority, please advise the Commission, and it will send that reference such a request. Please provide each reference with a copy of the “Guidelines for References” and direct them to send their letters of reference **via e-mail to bill.francis@courts.mo.gov**, saved as Microsoft Word or PDF documents only, in accordance with the Guidelines. If the references do not have access to e-mail, they may send the reference letter to The Honorable William W. Francis, Jr., Chair of the Commission at the address indicated below. As to all references, it is your responsibility to see that they send the requested letters in a timely manner. Solicitation of additional reference letters is discouraged. **All reference letters must be received by 5:00 p.m. on September 10, 2014.**

2. **To each copy of your application, you must also attach a photograph (glossy or matte professional prints work better than photographs printed off an inkjet or laser printer) at least 4x6 inches in size; and your undergraduate AND law school transcripts.**
3. You must complete and mail: (a) the original of the signed application; (b) the photographs and original transcripts listed in No. 2 above; and (c) one copy of at least one, but no more than three), writing sample(s), **flat, unfolded and unbound so that it can be scanned**, to The Honorable William W. Francis, Jr., Chair of the Commission, at the address listed below. Mail or deliver one copy of the completed application, and its attachments flat and unfolded, to the other Commission members as listed below. **Your application must be received by 5:00 p.m. on September 10, 2014**, to be considered by the Commission.
4. Applicants who are chosen will be interviewed by the Commission on October 1, 2 and/or 3, 2014. You will be notified of the specific date, time, and location of your interview at least one week in advance. The interviews will be open to the public; however, applicants should not attend the interviews of other applicants.
5. Commissioners have unanimously voted that they will not meet informally with applicants prior to the public interviews.
6. Supreme Court Rule 10.31 (copy attached) governs the conduct of applicants for judicial office. You are advised to read it and conduct yourself accordingly.
7. Members of the 31st Circuit Judicial Commission are:

The Honorable William W. Francis, Jr. (Chair)

Missouri Court of Appeals, Southern District
300 Hammons Parkway, Suite 300
Springfield, MO 65806
417-895-6820

Mr. Steven B. Garner, Esq.
415 E. Chestnut Expressway
Springfield, MO 65802
417-887-4300

Mr. Andrew K. Bennett, Esq.
P. O. Box 10009
Springfield, MO 65808-0009
417-447-4400

Ms. Linda F. Fowler
P. O. Box 10828
Springfield, MO 65808
417-831-3890

Mr. Steven Stepp
2739 Claremont
Springfield, MO 65804
417-863-1925

SUPREME COURT RULE 10.28
PUBLICITY

(a) When a vacancy occurs or when it is known that a vacancy will occur at a definite future date, the chairman shall publicize the same and solicit the submission of names of individuals qualified for such vacancy. Prior to the meeting of the commission an appropriate questionnaire shall be sent to each person whose name is proposed, to be completed and returned to the chairman of the commission. Copies of the completed questionnaire shall be provided each member of the commission prior to the meeting called for the taking of the formal action by the commission in making its nominations.

(b) No publicity shall be given by the commission of the names of persons under consideration for nomination for the reason that such publicity would tend to keep well qualified lawyers from permitting themselves to be considered and might encourage unqualified persons to enter their names to obtain public notice. The commission may submit the names of applicants to others on a confidential basis for the purpose of securing appropriate background information to the extent authorized by the applicants' signed written waivers.

(c) Any meeting called for the purpose of taking formal action in making nominations necessarily involves discussion of applicants' personal information and shall, therefore, be a closed meeting. All matters discussed at said meeting, except the matters contained in the certificate of nomination, shall be kept confidential.

(d) The commission shall publicly release information relating to the number and characteristics of the applicants prior to the meeting at which formal action is taken, but it shall not release any personally identifiable information about any person not included in the certificate of nomination.

(e) Within 72 hours of submitting the certificate of nomination, the commission shall transmit to the governor the applications and other information submitted to the commission pertaining to the persons contained in the certificate of nomination. Within the same time, the commission shall make public a copy of the applications submitted by the persons included in the certificate of nomination, but with personal or confidential information redacted.

SUPREME COURT RULE 10.31
CANDIDACY AND SELECTION OF JUDGES

The conduct of candidates for any judicial office to be filled pursuant to sections 25 (a)-(g) of article V of the Missouri Constitution shall be governed by and be in accord with the applicable provisions of the rules of professional conduct and canons of judicial ethics. In particular the aspiration of lawyers for judicial position should be governed by an impartial estimate of their ability to add honor to the office and not by a desire for the distinction the position may bring to themselves. If a judge, or a person in an office of a judicial nature, becomes a candidate, he should refrain from all conduct that might tend to arouse reasonable suspicion that he is using the power or prestige of his judicial position to promote his candidacy. He should not permit others to do anything in behalf of his candidacy which would reasonably lead to such suspicion.

It is the duty of the bar to endeavor to prevent partisan considerations, political or otherwise, from outweighing judicial fitness in the selection of judges. The bar should protest earnestly and actively against the selection of those who are unsuitable for the bench.

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MEMBERS

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Springfield, MO 65806

Mr. Steven B. Garner, Esq., Springfield, Missouri

Mr. Andrew K. Bennett, Esq., Springfield, Missouri

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